

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7006

BILL NUMBER: SB 324

NOTE PREPARED: Jan 11, 2008

BILL AMENDED:

SUBJECT: Penalties Imposed by the Public Access Counselor.

FIRST AUTHOR: Sen. Mrvan

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State and Local

Summary of Legislation: This bill establishes an Education Fund to fund programs to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. This bill also allows the Public Access Counselor to assess civil penalties against a public agency for violating the public records law. The bill requires any civil penalties collected to be deposited in the Education Fund.

Effective Date: July 1, 2008.

Explanation of State Expenditures: This bill will increase expenditures of a public agency if the agency or any officer or employee of that agency knowingly, intentionally, or recklessly does any of the following:

- (1) Denies or interferes with a person's request for inspection or copying of a public record if:
 - (A) the person's request meets the requirements of this chapter; and
 - (B) the record is subject to disclosure by law.
- (2) Charges a copying fee that exceeds the amount permitted by this chapter.
- (3) Discloses without authorization or fails to protect information classified as confidential by state statute.

The bill allows the Public Access Counselor to assess a civil penalty of not more than \$1,000 for each violation of the provisions above. The penalties are required to be deposited in the Education Fund established under the bill. The amount of penalties that will be collected is indeterminable and will depend upon the number of violations and the amount of the penalty imposed as determined by the Public Access

Counselor.

Explanation of State Revenues: This bill will cause a shift of revenues from a public agency violating the provisions of this bill to the Education Fund. The amount of any shift is indeterminable and will depend upon the number of violations and the amount of the penalty imposed as determined by the Public Access Counselor.

The nonreverting Education Fund established under the bill is required to be administered by the Public Access Counselor and used to pay: (1) expenses of administering the Fund; and (2) the administrative costs of training public officials and educating the public on the rights of the public and the responsibilities of public agencies under the public access laws.

Explanation of Local Expenditures: Local units and agencies are included in the definition of public agency. Please refer to *Explanation of State Expenditures* for an explanation of this bill's impact on public agency expenditures.

Explanation of Local Revenues: This bill will cause a shift of revenues from a public agency violating the provisions of this bill to the Education Fund. The amount of any shift is indeterminable and will depend upon the number of violations and the amount of the penalty imposed as determined by the Public Access Counselor.

State Agencies Affected: All.

Local Agencies Affected: All.

Information Sources:

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